

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	4:25-cv-00089-CLM
TCI OF ALABAMA, LLC,)	
)	OPPOSED
Defendant.)	

**PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S
MOTION TO DISMISS AMENDED THIRD-PARTY COMPLAINT**

Plaintiff United States Equal Employment Opportunity Commission (“EEOC”), pursuant to Fed. R. Civ. P. 12, respectfully moves this Court to dismiss Defendant/Third-Party Plaintiff TCI of Alabama, LLC’s (“TCI”) Amended Third-Party Complaint (Doc. 23) for failure to state a claim upon which relief can be granted and lack of subject matter jurisdiction. In support of its Motion, the EEOC shows the Court as follows:

1. On May 12, 2025, TCI filed a Third-Party Complaint (Doc. 14) in which it purported to assert claims arising under Title VII against Third-Party Defendants Onin Staffing, LLC, Personnel Staffing, Inc., and WorkSmart, Inc. (collectively, “Third-Party Defendants”).

2. On June 2, 2025, the EEOC filed a motion to strike, or in the alternative, motion to dismiss TCI's Third-Party Complaint under Fed. R. Civ. P. 14(a). (Doc. 16, 17).

3. On June 18, 2025, TCI filed an Amended Third-Party Complaint in which it stated a claim for breach of contract arising from Third-Party Defendants' alleged contractual indemnification obligations. (Doc. 23, ¶¶ 38, 39).

4. The Amended Third-Party Complaint should be dismissed as contractual indemnification claims are preempted by Title VII and are contrary to the legislative scheme and public policy.

5. Additionally, the Amended Third-Party Complaint should be dismissed for lack of subject matter jurisdiction.

6. The Amended Third-Party Complaint asserts only state law claims over which the Court has no subject matter jurisdiction, and the Court, in its discretion, should not exercise supplemental jurisdiction over the third-party claims.

7. Contemporaneously with the filing of this Motion, the EEOC is filing a supporting Memorandum of Law.

WHEREFORE, the EEOC respectfully requests the Court enter an Order dismissing the Amended Third-Party Complaint, with prejudice.

DATED: July 16, 2025.

EQUAL EMPLOYMENT
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2025, I filed the foregoing with the Clerk of Court using the CM/ECF system which will electronically send notification of the filing to all attorneys of record.

/s/ Alysia D. Franklin
Alysia D. Franklin